

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA**

STATE OF LOUISIANA, *et al.*,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official
capacity as President of the United States of
America, *et al.*,

Defendants.

Civil Action No. 22-cv-1213

**DEFENDANTS' NOTICE REGARDING SUBSTITUTION
OF OFFICIAL-CAPACITY DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 25(d), Defendants hereby provide notice regarding the automatic substitution of certain Defendants sued in their official capacity because they no longer are employed by the Defendants or they no longer serve in the same offices named in Plaintiffs' operative complaint. Fed. R. Civ. P. 25(d); *Am. Civil Liberties Union of Ms. v. Finch*, 638 F.2d 1136, 1342 (5th Cir. Unit A 1981) (holding that the "operation of Rule 25 is automatic"). In addition, Defendants identify herein those named Defendants who no longer are employed by Defendants but for whom no successor has been identified.

EXECUTIVE OFFICE OF THE PRESIDENT (EOP)

Dori Salcido, a current Defendant sued in her official capacity, is substituted as the successor for Courtney Rowe, who was sued in her official capacity as White House COVID-19 Director of Strategic Communications and Engagement. Ms. Rowe is no longer employed by the White House Office.

Ali Zaidi, White House National Climate Advisor, is substituted as the successor for Gina McCarthy, who was sued in her official capacity as White House National Climate Advisor. Ms. McCarthy is no longer employed by the White House Office.

Sarah Beran, Special Assistant to the President and a Senior Director in the National Security Council, is substituted as the successor for Laura Rosenberger, who was sued in her official capacity as Special Assistant to the President. Ms. Rosenberger is no longer employed by the National Security Council.

Stuart F. Delery, Counsel to the President, is substituted as the successor for Dana Remus, who was sued in her official capacity as Counsel to the President. Ms. Remus is no longer employed by the White House Office.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

Dr. Hugh Auchincloss, Acting Director of the National Institute of Allergy and Infectious Diseases (NIAID), is substituted as the successor for Dr. Anthony Fauci, who was sued in his official capacity as Director of NIAID.¹ Dr. Fauci is no longer employed by NIAID and is retired from government service.

OFFICE OF THE SURGEON GENERAL

Katharine Dealy, Director of Engagement in the Office of Surgeon General (OSG), is substituted as the successor for Eric Waldo, who was sued in his official capacity as Chief Engagement Officer for the Surgeon General. Mr. Waldo is no longer employed by OSG.

¹ Dr. Fauci was also sued in his official capacity as Chief Medical Advisor to the President, but the duties and responsibilities of that position have not been reassigned and thus there is no successor to Dr. Fauci in that position.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Ashley Morse, Digital Engagement Manager, COVID-19 Public Education Campaign, Office of the Assistant Secretary for Public Affairs, Department of Health and Human Services (HHS), is substituted as the successor for Tericka Lambert, who was sued in her official capacity as “Director of Digital Engagement at HHS” and Deputy Director of the Office of Digital Strategy at the White House. Ms. Lambert is no longer employed by HHS or the White House.

CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY

Kim Wyman, Cybersecurity and Infrastructure Security Agency’s (CISA) Senior Advisor for Election Security and a current Defendant sued in her official capacity, is substituted as the successor for Matthew Masterson, who was sued in his official capacity as Senior Cybersecurity Advisor within CISA. Mr. Masterson is no longer employed by CISA.

UNITED STATES CENSUS BUREAU

Jennifer Shopkorn, Senior Advisor for Communications with the U.S. Census Bureau and a current Defendant sued in her official capacity, is substituted as the successor for Zachary Henry Schwartz, who was sued in his official capacity as Division Chief for the Communications Directorate at the U.S. Census Bureau. Mr. Schwartz is no longer employed by the U.S. Census Bureau.

Ms. Shopkorn also is substituted as the successor for Kristin Galemore, who was sued in her official capacity as the Deputy Director of the Office of Faith Based and Neighborhood Partnerships at the U.S. Census Bureau. Ms. Galemore no longer holds this position in the U.S. Census Bureau.

Ms. Shopkorn also is substituted as the successor for Lorena Molina-Irizarry, who was sued in her official capacity as an official of the Census Bureau. Ms. Molina-Irizarry no longer works for the Census Bureau's Trust and Safety Team.

UNITED STATES DEPARTMENT OF STATE

Alexis Frisbie, a current Defendant sued in her official capacity, is substituted as the successor for Samaruddin K. Stewart, who was sued in his official capacity as Senior Technical Advisor for the Global Engagement Center of the State Department. Mr. Samaruddin is no longer employed by the U.S. Department of State.

UNITED STATES ELECTION ASSISTANCE COMMISSION

Steven Frid, Executive Director, Election Assistance Commission, is substituted as the successor for Mark A. Robbins, who was sued in his official capacity as Interim Executive Director of the EAC. Mr. Robbins is no longer employed by the Election Assistance Commission.

**INDIVIDUALS NO LONGER EMPLOYED BY DEFENDANTS
AND FOR WHOM NO SUCCESSOR HAS BEEN NAMED**

In addition to the individuals identified above, the following individuals sued in their official capacity are either no longer employed by Defendants or no longer hold the same positions, and Defendants have not named a successor.

EXECUTIVE OFFICE OF THE PRESIDENT

Andrew Slavitt, Clarke Humphrey, Benjamin Wakana, Subhan Cheema,² and Timothy W. Manning, all of whom were sued in their official capacity, are either no longer employed by components of the EOP or no longer hold the same position for which they were sued in their

² Mr. Cheema currently serves as the Director of Communications for the Office of Science and Technology Policy, which is in the Executive Office of the President but is distinct from the White House Office.

official capacity. No successors have been named for these individuals, and their duties and responsibilities for which they were named as defendants have not been reassigned.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Janell Muhammed, who was sued in her official capacity as Deputy Digital Director at the Department of Health and Human Services (HHS), no longer works in the HHS Office of the Assistant Secretary for Public Affairs. No successor has been named for Ms. Muhammed, and the duties and responsibilities for which she was named as a defendant have not been reassigned.

DEPARTMENT OF HOMELAND SECURITY

Nina Jankowicz, who was sued in her official capacity as Executive Director of the Disinformation Governance Board, is no longer employed by the Department of Homeland Security. No successor has been named for Ms. Jankowicz, and the duties and responsibilities for which she was named as a defendant have not been reassigned.

On August 24, 2022, following the recommendation from the Homeland Security Advisory Council, Secretary of Homeland Security Alejandro N. Mayorkas announced the termination of Defendant the Disinformation Governance Board and rescinded its charter, effective that same day. *See Ex. A.*

Dated: May 1, 2023

Respectfully submitted,

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